

Federal Communications Commission

DA 02-2367

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of

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Amendment of Section 73.606(b),
Table of Allotments,
Television Broadcast Stations.
(New Iberia, Louisiana)

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MB Docket No. 02-153
RM-10454

REPORT AND ORDER
(Proceeding Terminated)

Adopted: September 23, 2002**Released: September 27, 2002**

By the Chief, Video Division:

1. At the request of Iberia Communications, LLC ("Iberia"), an applicant for NTSC channel 53 at New Iberia, Louisiana, the Commission has before it the Notice of Proposed Rule Making, 17 FCC Rcd 12722 (2002), proposing the substitution of channel 50 for channel 53 at New Iberia.¹ Iberia filed supporting comments. No other comments were received.

2. We believe the public interest would be served by substituting channel 50 for channel 53- since it would permit Iberia to provide a first local television service to the community of New Iberia. A staff engineering analysis indicates that channel 50 can be allotted to New Iberia with a zero offset in compliance with the minimum distance separation requirements of Sections 73.610 and 73.698 of the Commission Rules. The coordinates for channel 50 are North Latitude 29-55-12 and West Longitude 91-46-07.

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective November 12, 2002, the TV Table of Allotments, Section 73.606(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

¹ Iberia filed its petition for rule making pursuant to the provisions outlined in the Commission's Public Notice ("Public Notice") released on February 6, 2002. In that *Public Notice*, the Commission announced a window filing opportunity to allow applicants with certain pending requests for new analog television stations on channels 52-59 to modify their requests. Initially, Iberia filed a petition for rule making in response to the Commission's directive outlined in the Public Notice released November 22, 1999. Iberia's initial petition proposed the allotment of NTSC channel 53 in lieu of channel 36- in order to eliminate the interference concerns with the proposed use of DTV channel 36 at New Orleans, Louisiana. In response to its request, the Commission granted Iberia's proposal to change the NTSC channel 36 at New Iberia to NTSC channel 53. However, because of the Commission's decision to reallocate channels 52-59, Iberia filed a new petition seeking the substitution of 50 in lieu of channel 53 to avoid dismissal of its application.

CityChannel No.

New Iberia, Louisiana

50

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Iberia Communications, LLC shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying TV Channel 50 in lieu of TV Channel 53.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau